

09-30-02

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PRACTITIONER'S DOCKET NO. U 014197-9

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

application of: Yuhpyng L. CHEN

Application No.: 08/764,110

Group No.: 1624

Filed: December 6, 1996

Examiner: Berch, Mark L.

For: SUBSTITUTED HETEROCYCLIC DERIVATIVES

Box DAC

Assistant Commissioner for Patents

Washington, D.C. 20231

ATTENTION: Petition Information

Crystal Park One, Suite 520

(M.P.E.P. § 1002.02(b), 6th ed., rev. 3)

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OFFICE OF PETITIONS

**PETITION FOR REVIVAL OF AN APPLICATION
FOR PATENT ABANDONED UNINTENTIONALLY
UNDER 37 C.F.R. § 1.137(b)**

NOTE: "In a design application, a utility application filed before June 8, 1995, or a plant application filed before June 8, 1995, any petition to revive pursuant to this section must be accompanied by a terminal disclaimer and fee as set forth in § 1.321 dedicating to the public a terminal part of the term of any patent granted thereon equivalent to the period of abandonment of the application. Any terminal disclaimer pursuant to this paragraph must also apply to any patent granted on any continuing application that contains a specific reference under 35 U.S.C. 120, 121, or 365(c) to the application for which revival is sought. The provisions of this paragraph do not apply to lapsed patents." 37 C.F.R. § 1.137(c).

NOTE: In accordance with the Notice of November 5, 1990 (1121 O.G. 6), an application abandoned under 37 C.F.R. § 1.53(d) for failure to timely provide the appropriate filing fee, oath or declaration and/or surcharge may be revived under the procedure of 37 C.F.R. § 1.137(b).

1. This application became abandoned on September 27, 2001

CERTIFICATE UNDER 37 CFR 1.10

I hereby certify that this paper is being deposited with the United States Postal Service on this date September 27, 2002 in an envelope as "EXPRESS MAIL POST OFFICE TO ADDRESSEE" Mailing Label Number EV011024569US addressed to the: Commissioner of Patents and Trademarks, Washington, D.C. 20231.

GERALDINE MARTI

(Type or print name of person mailing paper)

(Signature of person mailing paper)

NOTE: Each paper or fee referred to as enclosed herein has the number of the "EXPRESS MAIL" mailing label place thereon prior to mailing 37 CFR 1.16(b).

(Petition for Revival of Unintentionally Abandoned Application—page 1 of 3) 11-3

10/01/2002 AWONDAF1 00000123 08764110

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1280.00 OP

NOTE: Extensions under 37 C.F.R. § 1.136 are available only if asked for "prior to or with the response." Accordingly, if the question of abandonment arises when the provisions of § 1.136 can no longer be used, then the application is abandoned when the unextended time for response expired. Therefore, no extension fees are due on a petition for revival. Thus: "An application which is abandoned for failure to respond within a set period with no extension fee having been paid, would not require the payment of extension fees as a condition for revival." M.P.E.P. § 711.03(c), 6th ed., rev. 2.

2. This application became abandoned because the failure to prosecute was an unintentional delay. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 C.F.R. § 1.137(b) was unintentional.

3. Response or action required

- has been filed.
 is attached.

(complete the following, if applicable)

NOTE: The PTO accepts the filing of a continuing application as a response under 37 C.F.R. § 1.137. To facilitate processing in such a case, the petition to revive should specifically refer to the filing of a continuing application and also include an express abandonment of the prior application conditioned upon the granting of the petition and the granting of a filing date to the continuing application. Notice of May 13, 1983, (1031 O.G. 11-12). See also M.P.E.P. § 711.03(c), 6th ed., rev. 2. "In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof." 37 C.F.R. § 1.137(b)(1).

- The response is the filing of a continuation application having an express abandonment conditioned on the granting of a filing date to the continuing application copending with this application.

4. Fee (37 C.F.R. 1.17(m))

Application status is:

- Small business entity-fee \$640.00
 A statement is attached.
 A statement was filed.
 Other than small entity-fee \$1,280.00

5. Payment of fee

- Enclosed please find check for \$640.00. \$1,280.00.
 Charge Account _____ for any additional fee required.
 Charge Account _____ the sum of \$640.00. \$1,280.00.
A duplicate of this petition is attached.

Date: _____

**Signature of person making statement that
abandonment was due to an unintentional delay**

(type or print name of person making statement)

Residence of person making statement



SIGNATURE OF PRACTITIONER

John Richards

(type or print name of practitioner)

P.O. Address

c/o Ladas & Parry
26 West 61st Street
New York, N.Y. 10023

Reg. No. 31,053

Tel. No.: (212) 708-1915

Customer No.: 00140

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